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10 Attorney for Movant
11 Bosco Credit, LLC

12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

14 In Re:	)	CASE NO.: 18-42125
)	
15 JOSE A LOZA	)	CHAPTER 13
)	
16	)	RS No.: MRG-100
17 Debtor.)	
	)	DECLARATION IN SUPPORT OF
18	)	MOTION FOR RELIEF FROM
19	)	AUTOMATIC STAY
)	
20	)	Date: November 9, 2018
21	)	Time: 10:00 a.m.
22	)	Ctm: 215
23	)	Place: 1300 Clay Street, Oakland, CA
24	)	94612
25	)	Judge: Charles Novack
26)	
27)	
28)	

1
2 I, Ginastelia, declare and state as follows:

3 1. I am over the age of eighteen years and not a party to this action. The facts set
4 for the below are known to me personally based upon the review of the business records and I
5 have first-hand knowledge of them. If called as a witness, I could and would testify
6 competently under oath to such facts.

7 2. I am employed by Franklin Credit Management Corporation which services the
8 subject loan on behalf of Bosco Credit LLC ("Movant")

9 3. I am familiar with the manner and procedure by which the records of Movant
10 are obtained, prepared, and maintained. Those records are obtained, prepared, and maintained
11 by employees or agents of Movant in the performance of their regular business duties at or
12 near the time, act, conditions, or events recorded thereon. The records are made either by
13 persons with knowledge of the matters they record or from information obtained by person
14 with such knowledge. It is my business practice to maintain these records in the regular course
15 of business.

16 4. Movant has been responsible for the handling of all matters relative to the
17 underlying loan prior to the filing of the within motion, including but not limited to processing
18 of all payments received, crediting of received payments, adding all proper charges to the loan,
19 confirming the maintenance of hazard insurance and property taxes, property preservation
20 where appropriate, communicating with and responding to the borrower on all matters relative
21 to the loan, and the commencement of non-judicial foreclosure proceedings where appropriate.
22 All activities on the loan advanced by Movant were advanced in accordance with the terms of
23 the Note, Deed of Trust, and Forebearance/Modification Change of Terms Agreement.
24

25 ///

26
27
28 5. The subject real property is commonly known as 335 Burbank Road, Antioch,
CA 94124, and legally described as set forth in the Trustee's Deed Upon Sale recorded on

February 5 2018 as document number 2018001808200003 in the official records of the Contra Costa County Clerk-Recorder's Office. A true and correct copy of the Trustee's deed is attached to the Motion as **Exhibit "1"**.

6. Pursuant to the Trustee's Deed Upon Sale a public auction was conducted on January 31 2018. Movant was the successful purchaser of the property at the public auction. Movant is the legal owner of the property.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 10/2/18 (Date) Jersey City (City), NJ (State)


Signature


Print Name

EXHIBIT “1”

RECORDING REQUESTED BY:

THE WOLF FIRM, A LAW CORPORATION

AND WHEN RECORDED MAIL TO:

BOSCO CREDIT LLC
c/o FRANKLIN CREDIT MANAGEMENT CORP
101 Hudson Street, 25th floor
Jersey City, NJ 07302

20189001808200003
CONTRA COSTA Co Recorder Office
JOSEPH CANCIAMILLA, Clerk-Recorder
DOC 2018-0018082-00
Acct 1352-Ticor Title
Monday, FEB 05, 2018 11:53:40
SB2 \$75.00|MOD \$3.00|REC \$13.00
FTC \$2.00|DAF \$2.70|REF \$0.30
RED \$1.00|ERD \$1.00|
Ttl Pd \$98.00 Nbr-0003137532
mkk/RC/1-3

SPACE ABOVE LINE FOR RECORDED NUMBER

TRUSTEE'S DEED UPON SALE

The undersigned grantor declares

- | | |
|--|--------------|
| 1 The grantee herein was the foreclosing beneficiary | |
| 2 The amount of the unpaid debt together with costs was | \$115,531.54 |
| 3 The amount paid by the grantee at the Trustee's sale was | \$115,531.34 |
| 4 The documentary transfer tax is | \$0 00 |
| 5 The city transfer tax is | \$0 00 |
| 6 Said Property is in the City of | ANTIOCH |

THE WOLF FIRM, A LAW CORPORATION as duly appointed trustee under the Deed of Trust hereinafter described, (herein called Trustee) hereby grants and conveys, but without warranty, express or implied, to **BOSCO CREDIT LLC**

(herein called grantee), all right, title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the County of **Contra Costa**, State of **California**, described as follows:

SEE ATTACHED LEGAL DESCRIPTION MARKED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust executed by **JOSE A. LOZA, AN UNMARRIED MAN** as Trustor, dated 1/10/2007 and recorded on 1/22/2007 instrument number 2007-0018910-00 of official records, in the office of the Recorder of **Contra Costa County, California**, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance. Default occurred as set forth in a Notice of Default and Election to Sell which was filed for record in the office of the Recorder of said County, and such default still existed at the time of sale. All requirements of law regarding the mailing of copies of notices and the posting and publication of copies of the Notice of Sale have been complied with. Said property was sold by said trustee at public auction on 1/31/2018 at the place named in the Notice of Sale in the County of **Contra Costa, California**, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefor to said trustee the amount bid, in lawful money of the United States, or by the satisfaction pro tanto, of the obligations then secured by said Deed of Trust.

IN WITNESS WHEREOF THE WOLF FIRM, A LAW CORPORATION, has this day, 2/1/18
caused its name to be thereunto affixed.

THE WOLF FIRM, A LAW CORPORATION, AS TRUSTEE

By: _____

RENAE C. MURRAY, DEPARTMENT MANAGER

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California) SS.
County of ORANGE

On 2/1/18 before me, JOHN F. WERNER II, Notary Public, Personally appeared, RENAE C. MURRAY who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature  (Seal)
JOHN F. WERNER II, Notary Public

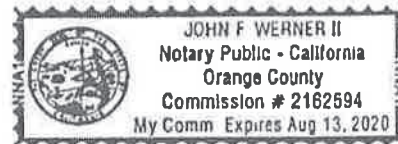


EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 5, MAP OF GARROW SUBDIVISION UNIT NO. 1, FILED APRIL 25, 1952, BOOK 46 OF MAPS, PAGE 37, CONTRA COSTA COUNTY RECORDS.